

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL RANDOLPH	:	: CIVIL ACTION NO: 1:06-CV-0901
	:	
Petitioner	:	: (Judge Conner)
	:	
v.	:	
	:	
JEFFREY BEARD, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 4th day of May, 2006, upon consideration of the motion to proceed *in forma pauperis* (Doc. 1), in which petitioner avers that he is indigent and under a sentence of death, see 28 U.S.C. 1915(a)(1) (“[A]ny court of the United States may authorize the commencement . . . of any [action] . . . without prepayment of fees . . . by a person who submits an affidavit . . . that the person is unable to pay such fees . . .”), requests the appointment of counsel, see 18 U.S.C. § 3599(a)(2) (“In any [proceeding] . . . seeking to vacate or set aside a death sentence, any defendant who is . . . financially unable to obtain adequate representation . . . shall be entitled to the appointment of one or more attorneys . . .”); see also id. § 3599(a)(2)(c) (“If the appointment [of counsel] is made after judgment, at least one attorney so appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in that court in felony cases.”), and a stay of proceedings such that counsel may adequately prepare a petition for writ of habeas corpus, see 28 U.S.C. § 2251 (“[A] judge of the United

States before whom a habeas corpus proceeding is pending may . . . stay any proceeding against the person detained . . . under the authority of any State for any matter involved in the habeas corpus proceeding.”); see also McFarland v. Scott, 512 U.S. 849, 858 (1994) (“[T]he right to counsel necessarily includes a right for that counsel meaningfully to research and present a defendant’s habeas claims [and] approving the execution of a defendant before his petition is decided on the merits would clearly be improper.”), it is hereby ORDERED that:

1. The motion to proceed *in forma pauperis* (Doc. 1) is GRANTED. See 28 U.S.C. § 1915(a)(1).
2. The Capital Habeas Corpus Units of the Federal Public Defender Office for the Middle District of Pennsylvania and the Federal Community Defender for the Eastern District of Pennsylvania are APPOINTED to represent petitioner Samuel Randolph in the above-captioned action. see 18 U.S.C. § 3599(a)(2); see also id. § 3599(a)(2)(c).
3. Any state proceedings for the execution of petitioner Samuel Randolph are STAYED pending disposition of the anticipated petition for writ of habeas corpus, or until further order of this court. See 28 U.S.C. § 2251.
4. Petitioner shall file, on or before December 1, 2006, a petition for writ of habeas corpus.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge